

1 objected to was if you're station ID'ing every 15 minutes
2 which is required under the rules --

3 MR. HARDMAN: That's assumption, Your Honor. May I
4 see a rule that says that? That is not my understanding of
5 the rules and maybe it would save some time if Mr. Walker
6 could tell us without going back on the stand and save us some
7 --

8 MR. JOYCE: It's Rule Section 90.425(a),
9 Identification Procedures. Do you see that, Mr. Hardman?

10 MR. HARDMAN: It says, "During periods of continuous
11 operation."

12 MR. JOYCE: Now you want to tell me that Capitol
13 wasn't engaged in continuous operation.

14 MR. HARDMAN: Well, that -- I don't interpret that
15 as meaning that you come on every 15 minutes whether you're
16 transmitting at the time or not, and if the -- Mr. Walker
17 wants to tell us that that's the requirement -- what I have
18 heard is testimony that some licensees transmitted for, you
19 know, hours at a time and they're doing that, then I can
20 understand the requirement that every 15 minutes they would
21 have to transmit, but I don't understand this rule to make the
22 requirement that you come on every 15 minutes whether you're
23 transmitting or not at that time.

24 MR. JOYCE: I can press on, Your Honor.

25 JUDGE CHACKIN: Well, I wish you would start asking

1 some questions about his direct testimony. You still haven't
2 asked a single question about his direct testimony except for
3 the 90.10. Every other question you've asked has nothing to
4 do with his direct testimony. Now, will you ask some
5 questions about his direct testimony or I'm going to have to
6 tell you to stop this cross-examination? You could have made
7 him your own witness if you wanted to and that's what you're
8 using him as.

9 MR. JOYCE: His direct testimony, Your Honor, just
10 for clarification, said that all of Capitol's testing was
11 proper.

12 JUDGE CHACHKIN: Where does it say that? Where does
13 it say anything about whether it was proper testing? And
14 you've asked him about testing. Now, let's ask him some other
15 questions about his direct testimony.

16 MR. JOYCE: All right, Your Honor.

17 BY MR. JOYCE:

18 Q I gather, Mr. Peters, although your, your direct
19 testimony referred to Capitol's operations, I gave you've
20 actually never physically inspected their facilities, have
21 you?

22 A Oh, I've been at their facilities several times.

23 Q Well, I don't recall that you said that in your
24 direct testimony?

25 A I didn't know that it was important. I think I did,

1 but I may not have.

2 Q Well, for instance, your assumptions about whether
3 or not Capitol was properly monitoring and whether RAM was
4 properly monitoring, I take it from your direct testimony that
5 you're making those assumptions just from written evidence.

6 A Oh, yes, that is correct.

7 Q Okay. So you really don't have any idea whether or
8 not Capitol had its monitor properly installed or not?

9 A I do not.

10 Q Okay.

11 JUDGE CHACHKIN: He's testifying as an expert. He's
12 not testifying as one who knows the facts. That's not what an
13 expert witness does. An expert witness testifies about --
14 based on the evidence he testifies that he thinks happened.

15 MR. JOYCE: Page 11 of your direct testimony --

16 JUDGE CHACHKIN: Yes.

17 BY MR. JOYCE:

18 Q -- Mr. Peters, at the top you state that, "It
19 appears that the Capitol monitor was placed in a slightly
20 better position than the RAM monitor.

21 A Yes.

22 Q But you're making that assumption without ever
23 having physically inspected the monitor? Correct?

24 A I based that assumption -- that statement, not an
25 assumption, but that statement on the, on the fact that, that

1 RAM stepped on Capitol more than Capitol stepped on RAM. It's
2 just my account.

3 Q That statement cannot be supported based on your
4 personal inspection of the facilities, can it, Mr. Peters?

5 A No.

6 Q All right. Thank you. Now, in your direct
7 testimony at page 14 you stated that Capitol picked what you
8 referred to as the correct frequency?

9 A Yes. In my view it was the correct frequency.

10 Q All right. Now, I take it you're familiar with
11 Section 90.173 of the rules, sub (b), which says that, "All
12 applicants and licensees shall cooperate in the selection and
13 use of frequencies under Part 90?" Correct?

14 A Yes.

15 Q All right.

16 A I mean, peripherally I understand that rule, yes.

17 Q Okay. So when you're saying that Capitol picked the
18 correct frequency, you're saying that they made a determina-
19 tion that in light of other users on the frequency and other
20 factors that it's a correct frequency?

21 A No, sir. It is my understanding that Capitol
22 requested this frequency when they submitted their application
23 to NABER. Now, the basis for selecting that frequency was a
24 pretty common basis. It's a high power and it was popular.

25 Q But is it your testimony then that Capitol is

1 entitled to that frequency regardless of whoever else is on
2 that frequency at the time they file their, their application?

3 A Certainly.

4 Q They are?

5 A Certainly.

6 Q Despite the fact that Section 90.173 says that all
7 applicants and licensees shall cooperate in the selection of
8 those frequencies?

9 A Sure.

10 Q Well, doesn't cooperate mean that Capitol was
11 required to work with RAM Technologies in selecting that
12 frequency?

13 A Do you mean must they pre-clear their selection or
14 their process or get RAM's permission to file on that
15 frequency? Is that what you're asking?

16 Q Cooperate, yes, Mr. Peters.

17 A Well, no, they are not required to do that. All
18 they're required to do is submit an application to NABER.
19 NABER either approves it or disproves it and sends it --
20 forwards it on to the FCC.

21 Q But, Mr. Peters, it says so right here in the rules
22 with which you're familiar.

23 A You need to take that up with NABER, not with me. I
24 mean --

25 Q My question has nothing to do with what NABER did in

1 this case, Mr. Peters.

2 MR. JOYCE: Apparently the Commission doesn't agree
3 with your interpretation, Mr. Joyce, because they rejected
4 your contention that they had to have pre-approved by RAM
5 before they could apply for the frequency, so let's move on.

6 BY MR. JOYCE:

7 Q When you reached your opinion that Capitol had
8 picked the correct frequency to operate on, did you know that
9 Capitol never operated its two PCP transmitters at full power?

10 A No.

11 Q Okay.

12 A Wait. Well, no. Wait. Wait. Let me back up on
13 that just a minute.

14 Q Please.

15 A Did you say did -- please restate the question.

16 Q All right. When you reached your expert
17 determination saying that 152.48 was correct for Capitol --

18 A Yes.

19 Q -- did you also know that Capitol never operated at
20 350 watts output power?

21 A Yes, I did.

22 Q Okay. So, although you say in your direct testimony
23 here that 152.48 was correct because it was the only high
24 power VHF frequency at the time --

25 A Yes.

1 Q -- isn't it true that high power wasn't really an
2 issue for Capitol? They never operated at high power.

3 A It is true that during the time in question in this
4 case that's true, but I assumed that they were going to just
5 go up to high power as soon as they shut the system down.

6 Q But you heard testimony, Mr. Peters, that they
7 didn't even install equipment that was capable of operating at
8 350 watts?

9 A Sure. That's correct. I did hear that.

10 Q So at no time during their three years of operation
11 were they capable of operating at high power?

12 A Not -- certainly not with the equipment they had
13 installed.

14 Q Okay. So it's not fair to say, as you say in your
15 direct testimony, that 152.48 was the only correct frequency
16 because that's the only high powered frequency? That's not
17 fair to say, is it?

18 A Of course it's fair to say because you apply for
19 these licenses to the expected levels of participation. Let
20 me, let me give you an example, Mr. Joyce, just on the same
21 form and in the same, same concept. They ask you to specify
22 how many pages you're going to have on the channel, so you
23 generally put in a number that you think that you can, you can
24 reasonably expect to go to. You say 500. You don't want to
25 put in 4 pagers and then after you've sold 4 pages seek

1 authority to do 5 more and 10 more. You go where you're going
2 to end up. Now, I didn't fill out these applications for
3 Capitol. They did. And, and when they specified 350 watts as
4 their transmitter power output they were seeking authorization
5 to go to 350 watts and I assumed that they had intended to do
6 that.

7 Q But the fact is they never designed their system
8 that way, did they, Mr. Peters?

9 A Sir, design and implement are two different words.
10 If you're -- they never implemented their system for that, but
11 they did design for that. It's clear in the application for
12 authorization.

13 Q Now, if -- prior to them going on the air if there's
14 another high power frequency available and there's nobody on
15 it I presume you as their engineering consultant would tell
16 them from an operational perspective it would make more sense
17 to go on to the frequency that's less congested? Isn't that
18 true?

19 A That would be an incorrect presumption on your part.

20 Q Assuming all things are equal for the sake of my
21 question, if you have two VHF frequencies that are authorized
22 for the same power and one of them, 152.480, is very, very
23 busy -- there are other commercial operators on it. The other
24 one is not so busy -- at least from an operational perspective
25 wouldn't you say that they would be better off on the less

1 congested frequency?

2 A I would say not, Mr. Joyce. I went into some detail
3 in this in my direct testimony. If you'd like me to read it,
4 I'd be happy to do so.

5 Q No, because I'll get into some of your, your
6 justifications, but I just mean there's no difference between
7 152.48 as a frequency and 157.74, whatever the other one --

8 A Yes. I -- yes.

9 Q As a frequency there's no difference, right?

10 A I -- yes. Technically there's no difference.

11 Q All right. Thank you.

12 A That's correct.

13 Q Now, I know you do say in your direct testimony that
14 52.48 was popular for networking purposes, right?

15 A Yes.

16 Q Okay. But then you can also network on any
17 frequency?

18 A You can, but it hadn't been established.

19 Q All right.

20 A In fact, it's still not there.

21 Q Okay. The possibility of networking can be done on
22 just about any frequency? Correct?

23 A Yes, sir, indeed.

24 Q All right. Now, you probably didn't know when you
25 prepared your direct testimony that RAM Technologies had the

1 exclusive franchise for 152.480 with Network USA, did you?

2 A No.

3 Q Okay. And you didn't know that Capitol never even
4 bothered to, to call Network USA to find out if they could
5 become an affiliate of them or not, did you?

6 A Absolutely not.

7 Q Okay. Wouldn't that change your conclusions on the
8 networking if you were to know that Capitol could not become a
9 Network USA affiliate on 152.48?

10 A It wouldn't change -- necessarily my conclusions
11 because I'm not in business. I mean, it's something that
12 really would have to be a Capitol decision, not mine. I
13 generally wouldn't -- I mean, I would mention that they had a
14 lot of network activity on that channel and for that reason
15 they should get on the channel, but the details of that
16 activity and so on I just wouldn't get into.

17 Q But the network activity you're talking about is to
18 be able to be an affiliate of this entity called Network USA
19 which operates nationwide on 152.48 and to be able to offer
20 to your customers nationwide paging service on 152.48? Isn't
21 that true?

22 A That would be one of the reasons, certainly.

23 Q Okay. And all I'm saying is if RAM Technologies is
24 the only person, the exclusive authorized agent, for Network
25 USA in Capitol's service areas, if you knew that then you

1 would have to change your direct testimony to say that in this
2 case, at least, networking was not necessarily a reason why
3 this would be the correct frequency for Capitol?

4 A Mr. Joyce, if I knew the -- perhaps if I knew the
5 components of the contract with Network USA and if I
6 determined that, that if Bob Moyer suddenly passed over,
7 perish the thought, that that contract couldn't go to Capitol
8 or some other reason -- I'd have to know a lot of things
9 before I could change my direct testimony.

10 Q I'll move off this with one question, Mr. Peters.
11 Now that you know that RAM Technologies is the exclusive --

12 JUDGE CHACHKIN: For how long do they -- this
13 contract exist?

14 MR. JOYCE: Since the day they began operations.

15 JUDGE CHACHKIN: I know, but how long is the
16 contract?

17 MR. JOYCE: Ten years.

18 JUDGE CHACHKIN: Ten years. When does the ten years
19 end?

20 MR. JOYCE: Well, it started in 1989 so it's 1999.

21 JUDGE CHACHKIN: All right. Well --

22 BY MR. JOYCE:

23 Q And the FCC license lasts how long, Mr. Peters?

24 A May I, may I answer your question?

25 Q I forgot what it was.

1 A I, I think I remember what it was.

2 Q All right.

3 A You asked me if I would change my direct testimony
4 if I knew that right then.

5 Q Right.

6 A The answer is no. Would you like to know why?

7 Q Of course I would.

8 A Okay. That is a shared frequency. Network USA
9 doesn't have any, any FCC rights on that frequency. It just
10 happens to be a band of businessmen that got together and
11 decided to network their operation. There's no reason in the
12 world why on a shared frequency there couldn't be two networks
13 or five, particularly since there's a -- there is a
14 requirement that the channel be shared and anybody that has
15 the channel can use it for whatever purpose, and if Capitol
16 got on another network that would be perfectly okay.

17 Q But when Capitol -- we're trying to establish why
18 this was the correct frequency for Capitol when they applied
19 for it in 1989, coincidentally the year that RAM Technologies
20 got into business and was a Network USA affiliate, Mr. Peters.
21 Were there other networks that they could have signed up with
22 in 1989? Is that what you're saying?

23 A No, no, no. I said that there would be no reason to
24 assume that another network couldn't be operational on --

25 Q Okay.

1 A -- on 152.48.

2 Q Okay. But to the best of your knowledge there were
3 no other networks in Charleston and Huntington?

4 A No. To my knowledge there were none.

5 Q Okay. And the fact of the matter is if they got a
6 license on 157.74, just as you've testified, there's nothing
7 in the world that would have kept them from networking that
8 frequency with other PCP operators, is there?

9 A They would have had to create it.

10 Q Well, you just told me that somebody else would have
11 to create a duplicate network on top of Network USA so I
12 presume you're saying that, of course, they could create the
13 same thing on 157.74?

14 A These are all hypothetical, I presume, are they not,
15 these questions?

16 JUDGE CHACHKIN: I think we're going to have to stop
17 at this point. The witness has come forward as a technical
18 expert. You're asking him about business decisions.

19 MR. JOYCE: I'm trying to --

20 JUDGE CHACHKIN: If you want to ask him about
21 technical questions as to the reason why he believes that was
22 a proper selection I'm going to permit it. If you're going to
23 non-technical reasons I'm not going to permit it. He's not
24 the person to ask. Let's stick to what his, what his
25 expertise is, technical, not business decisions about

1 networking. That's a business decision. That's not a
2 technical reason for, for applying for a channel or not
3 applying for a channel.

4 MR. JOYCE: It's his testimony, Your Honor, at page
5 48.

6 JUDGE CHACHKIN: It makes no testimony on business
7 decisions. He deals with technical reasons. He's giving you
8 his technical reasons.

9 BY MR. JOYCE:

10 Q Don't you testify at page 5 of your direct
11 testimony, Mr. Peters, that one of the advantages of 152.48
12 was that networks were being formed and interlinked?

13 A I do, yes.

14 Q All right. So we can leave this topic. The fact of
15 the matter is to your knowledge other than the exclusive
16 network that RAM Technologies had with Network USA, you don't
17 know of any other networks that were being formed and
18 interlinked when he applied for this frequency, do you?

19 A I do not.

20 Q All right. Thank you. Now, you state in your
21 direct testimony that it seemed like a proper reason for
22 Capitol to apply for PCP so that they could offer service on a
23 smaller area? Correct?

24 A I said that a lot of my clients do that.

25 Q Okay.

1 A And it's a -- an adjunct service to their RCC
2 businesses.

3 Q But isn't it also true that you can sectorize an RCC
4 paging network to offer a smaller service area?

5 A I believe the answer to your question, if I
6 understood it properly, is yes.

7 Q You testified in your direct testimony as to the
8 fact that Capitol has -- it's not unusual for companies to
9 build a PCP system with sort of spare parts or other equipment
10 that's lying around. Is that fair to say?

11 A Sometimes.

12 Q Okay. And that's apparently what Capitol did in
13 this case?

14 A It appears to me so.

15 Q Okay. Isn't it also true that it causes
16 coordination problems, potentially interference problems, if
17 one licensee constructs a system with relatively inferior
18 equipment while another co-licensee operates with somewhat
19 better equipment?

20 A Absolutely not. There's -- all of this equipment is
21 first rate equipment. It just happens to be surplus. Surplus
22 does not imply bad, old, unused or anything else.

23 Q Well, what stuck in my mind last week, though, was
24 Mr. Bogert's testimony that when he inspected Capitol's
25 facilities the PCP operations seemed to not be particularly up

1 to snuff. Do you remember that testimony?

2 A You said equipment? Was the question equipment?

3 Q That was my recollection. Do you think it was
4 something else?

5 A No, no. I'm asking what your question was.

6 Q Well, I thought the FCC's determined that the
7 equipment was -- didn't look like it was --

8 A I don't remember that testimony --

9 Q All right.

10 A -- or anybody saying that.

11 Q You state in your direct testimony at pages 12 to 13
12 you believe that RAM's proposal to tie the terminals together
13 to try to avoid interference would not be satisfactory. I
14 believe that's your testimony.

15 A I think that's -- it's a possibility that it would
16 not be satisfactory I think is the way I tried to state it.

17 Q Okay. But isn't true that it's more likely to
18 eliminate the possibility of interference than if you just
19 have off-air monitoring?

20 A No, not in my view and I've been down this road a
21 lot.

22 Q Have you ever installed one of these wire line
23 connections between terminals?

24 A I've had lines installed on my behalf. If you're
25 asking me if I physically took up a pair of pliers and a screw

1 driver and did it, no, I have not.

2 Q Okay. I take it that each shared frequency
3 environment is somewhat unique?

4 A They all share one thing. They don't want to
5 transmit on the other, so they all share the concept that they
6 need to sense when the channel is free before they begin
7 transmitting.

8 Q Okay. So the answer is, is yes, there are some --

9 A I don't remember the question.

10 Q The -- if I go from Huntington and Charleston to
11 California, in California I'm designing a PCP system. Because
12 of the topography and whoever else is operating out there
13 that's going to be a little different sharing situation or
14 interference situation than what they had in Huntington and
15 Charleston? Correct?

16 A I'm certain it is.

17 Q Okay. Now, wouldn't it be the case that Ray Bobbitt
18 and Bob Moyer and Dale Capehart, the folks who were, who were
19 there operating a PC system -- PCP system, might have a better
20 idea of what would work to eliminate interference than you
21 would looking at these papers in Florida at your desk? Isn't
22 that possible?

23 A Anything's possible.

24 Q I mean, isn't it true that the assumptions that you
25 make from reading documents and all, that if they were tested

1 in the field they could be completed different?

2 A Reading what documents, sir? What are you referring
3 to?

4 Q Well --

5 A Do you think that the -- that my experience is
6 theoretical in this case?

7 Q My only point is, Mr. Peters, that when you say that
8 in your opinion that the -- RAM's proposal to eliminate
9 interference by tying the terminals together was not
10 satisfactory --

11 A That's absolutely true.

12 Q Okay.

13 A I stand by that statement.

14 Q But my, my point is that for the RAM folks who are
15 out there in the field and have tweaked with their
16 transmitters and have worked with Capitol --

17 JUDGE CHACHKIN: What expertise do they have in this
18 area? I mean, have they set this time with anybody else? I
19 mean, what is this?

20 MR. JOYCE: They have -- they've testified that they
21 -- last week we had a lot of testimony that they're networked
22 together. Mr. Moyer went on for a long time talking about
23 having tied transmitters together, having cooperated with
24 other co-licensees.

25 JUDGE CHACHKIN: And also testified of the

1 | circumstances in which this happened, not which -- the act of
2 | sharing of a transmitter.

3 | MR. HARDMAN: And also that they -- the off-air
4 | monitor.

5 | JUDGE CHACHKIN: That's a completely different
6 | situation. Where do they have expertise in a situation
7 | comparable to this one in any of their experience? I don't
8 | recall them testifying that they have knowledge of a similar
9 | analogous situation. Now, we have an expert in the field
10 | who's done this and he can testify about why in his judgment
11 | it wouldn't work in a situation that's similar to this. Now I
12 | want to hear what the expert -- do you have further -- would
13 | you like to explain why it wouldn't work in your judgment?

14 | MR. PETERS: Yes, sir. In the case -- we have --
15 | this is a commonly encountered situation and it's called -- in
16 | our terminology we call it a race. And it's a situation where
17 | a terminal for a very, very short period of time, in terms of
18 | a microsecond, looks at a particular point on its terminal and
19 | if something has indicated that the channel is busy it stops,
20 | it halts, it holds. But at that very moment that it looks at
21 | that little point and says oh, the channel is free, then it
22 | begins its transmission and it won't stop its transmission
23 | until it's completed the, the entire setup sequence. Well,
24 | both terminals operating in that mode like that, connected by
25 | a telephone line, will -- in fact, if there was no time delay

1 in that telephone circuit, they would -- this would work
2 perfectly, but because there's a time delay, and the
3 proposition here was to, to run a telephone line between
4 Charleston and Huntington or approximately in Huntington,
5 would have introduced time delays. Those time delays, when
6 both terminals are busy and trying to grab the channel would
7 have, in fact, looked at that channel, those two little points
8 of interconnection, at almost precisely the same times on a
9 regular basis and when that occurs then both terminals will
10 agree that the channel is not busy and both will start
11 transmitting and that occurs frequently. This kind of wire
12 arrangement, strapping of wires, is generally more preferable
13 when the terminals are close together, but we don't know what
14 kind of delays we would encounter between those two points.
15 It may not go directly between those two points. It may be
16 routed by the telephone company and change from time to time
17 which is something we're run into.

18 BY MR. JOYCE:

19 Q Mr. Peters, you're referring to what's called co-
20 terminus seizure of the channel? Correct?

21 A I've never referred to it that way.

22 Q Yeah, but that is a term that is used for that?

23 A Maybe.

24 Q Okay.

25 A I don't know. I'm not familiar with the term.

1 Q Okay. But that is -- all right. What's the term
2 that you would use?

3 A I call it a race.

4 Q But the interference occurs when the two signals
5 come up at the same time and they collide and nobody gets
6 their page? Correct?

7 A Yes, that's the result.

8 Q Now, in a shared frequency environment presumably to
9 operate and get your pages out you have to be familiar with
10 what I referred to as co-terminus seizure of the channel, do
11 you not?

12 A Who has to be familiar?

13 Q The person who's operating a successful paging
14 business.

15 A The various licenses? Yes. I would say so, yes.

16 Q Otherwise, RAM couldn't have grown from 0 to 10,000
17 paging customers if they're getting lost pages all the time?
18 Isn't that fair to say?

19 A That's -- yes, that's a fair statement.

20 Q All right. So -- I mean, it's fair to say that Mr.
21 Capehart, although he doesn't have your degree, and Ray
22 Bobbitt, although he, you know, doesn't have you degree, and
23 Mr. Moyer, though they don't have your qualifications, it's
24 fair to say for them to build a successful paging company in a
25 shared frequency environment they would also have to be

1 familiar with what you're talking about, wouldn't they?

2 A Yes.

3 Q All right. And the concept of co-terminus seizure
4 of the channel occurs even without that wire line device
5 between the terminals, doesn't it?

6 A Yes, as explained in my direct testimony and as also
7 explained by the other witnesses that where there that said
8 that they used off-the-air co-terminus -- I don't even know
9 how to put it in your terminology, but they used off-the-air
10 monitors and are currently using off-the-air monitors with the
11 University of Kentucky at Lexington, I believe, was the
12 testimony and some places they use wire. Yes. I mean, there
13 are, there are a variety of ways to do this. That's correct.

14 Q And there are -- you heard Ray Bobbitt talk about
15 the various levels of safeguards that you can take to, to
16 cooperate on a shared frequency, did you not? Were you here
17 when --

18 A If you'll prompt, if you'll prompt me, maybe I will.
19 I don't --

20 Q The gentleman with the dark hair.

21 A No, no. I know the man, but I'm talking about what
22 did he say. Prompt me what he said.

23 Q Well, he walked through in fairly good detail. I
24 thought, the various ways in which co-licensees could
25 cooperate on a shared frequency to avoid causing interference.

1 One was simply to not transmit when somebody was on the air.

2 Do you remember that?

3 A I'm not contradicting anything he said.

4 Q I know, but my point is -- just so we all understand
5 here, I mean, it's apparent that even though you're the expert
6 that the RAM people are also aware of how to share a frequency
7 and it's apparent that's the testimony.

8 A I've already answered that question. I have no
9 problem with their expertise in this matter.

10 Q Okay. And didn't Mr. Bobbitt say and -- I mean,
11 I'll accept your answer that you're -- in your opinion tying
12 the terminals together was satisfactory, but I gathered from
13 Mr. Bobbitt that there were sort of levels that you go
14 through, increasing levels of expensing complexity as you get
15 busier on a shared frequency, to try to be sure that
16 everybody's pages go out. Is that fair to say?

17 A That -- it's -- the first part of your question was
18 a mischaracterization I think of what happened but, in
19 general, yes, that's -- you rise to the occasion. That's
20 correct.

21 Q Okay. So Capitol and RAM Technologies -- it's my
22 understanding from Mr. Bobbitt's testimony and from Dale
23 Capehart's that they had tried just off-air monitoring and
24 apparently perhaps unintentionally sometimes their calls were
25 colliding and those pages weren't going through. Correct?

1 A Sometimes unintentionally, sometimes intentionally.

2 Q Okay. So isn't it just fair to say that RAM
3 Technologies offered to go the next step and to attempt to tie
4 the terminals together to avoid interference? Isn't it fair
5 to say that that was an offer to try to increase the level --
6 at least in their minds the attempt was to try to increase the
7 protection for co-channel licensees? Isn't that fair to say?

8 A I think, I think at this stage I'm going to have to
9 start resisting you again. In my view the whole problem of
10 the co-channel interference, the RF interference, could be
11 avoided simply by using off-the-air monitors, just the way
12 they were doing it, the way everybody was doing it. I think
13 that they would have had to arrange the locations and
14 positions of these monitors and perhaps tweak them, but I
15 don't think they ever got the opportunity, and I went into
16 that in some detail in my direct.

17 Q My final questions, Mr. Peters, have to do with this
18 retransmission interference, the Private Radio Bureau's
19 Exhibits No. 16 and 17. Did you get to take a look at those?

20 A No, not really.

21 JUDGE CHACHKIN: I'll show him my copy, Mr. Joyce.

22 MR. JOYCE: Thank you, Your Honor.

23 BY MR. JOYCE:

24 Q Now, Mr. Peters, you weren't here yesterday, were
25 you, when I went through this with Mr. Raymond?

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Court Reporting Depositions

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1 A No.

2 Q All right. Have you talked to him about his, his
3 sabotage theory, for instance?

4 A I was told about his testimony yesterday and the
5 sabotage concept and it -- you know, it appears that it could
6 have happened.

7 Q Yeah.

8 A I like my theory better.

9 Q Well, that's what I'm trying to clarify. Is your
10 theory different than Mr. Raymond's sabotage theory?

11 A Oh, yes. I mean, my theory doesn't require that,
12 that any piece, part, person or item in Capitol was used for
13 this. It could have been done by anyone, anyone --

14 Q Okay.

15 A -- any third party. It could have been done by RAM.
16 It could have been done by a Capitol thing. It could have
17 been done by somebody totally unrelated.

18 Q Okay. That's what I want to understand because I
19 start being a very simple person who doesn't know this
20 engineering stuff like you do and like Mr. Raymond does. I
21 start with these reports, Bureau Exhibit 16 and 17, which show
22 to me Capitol cap codes and unique subscriber paging numbers.
23 Correct?

24 A Yes.

25 Q Okay. And this one, Exhibit No. 17, showing that